

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services amends Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

These amendments:

- Clarify that there are separate health and dental plans participating in the HAWK-I program; and
- Implement a new program to provide dental coverage to children who would be eligible for HAWK-I benefits except that they have health insurance.

Currently, children must be uninsured to obtain dental coverage through the HAWK-I program. The Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA) allows states the option to offer a dental-only program. The General Assembly has appropriated funding to implement a dental-only program with approval of the HAWK-I Board. The HAWK-I Board has directed the Department to offer dental-only coverage to children who would qualify for the HAWK-I program except that they have health insurance.

Under these amendments, children who have health insurance can qualify for supplemental dental-only coverage to receive medically necessary preventive and restorative dental services. Some families will be charged a premium to participate in the program, based on their income. The amendments require coverage of diagnostic and preventive services, routine and restorative services, endodontic services, periodontal services, cast restorations, and prosthetics. Payments will be made on a capitation basis.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on September 9, 2009, as **ARC 8112B**. The Department received comments on the Notice of Intended Action from two persons. Commenters were concerned about the effect of separating the requirements for health coverage from those for dental coverage. Currently, most medical plans have had to subcontract for dental services or attempt to develop new coverage. The Department believes that allowing dental-only plans and medical-only plans to enter the HAWK-I market directly should ultimately afford a broader range of coverage options.

In response to these comments and to clarifications on the implementation of the CHIPRA legislation received from the Centers for Medicare and Medicaid Services (CMS), the Department has made the following changes to the rules as presented in the Notice of Intended Action:

- Deleted the words “in Iowa as provided in Iowa Code chapter 153” from the definition of “Dentist” in rule 441—86.1(514I). A dental plan is free to pay a dentist in another state if the dental plan determines that circumstances warrant it. The definition of “Dentist” now reads as follows:

“ ‘Dentist’ shall mean a person who is licensed to practice dentistry.”

- Deleted all proposed changes from subrule 86.7(6) except for the changes in terminology from “disenrolled” to “canceled” and from “plan” to “program.” CMS has clarified that possession of other coverage is not a barrier to eligibility for the supplemental dental program. Subrule 86.7(6) now reads as follows:

“**86.7(6)** *Enrolled in other health insurance coverage.* The child shall be canceled from the program as of the first day of the month following the month in which the third-party administrator is notified that the child has other health insurance coverage. If there are months during which the child is covered by both another insurance plan and the HAWK-I program, the other insurance plan shall be the primary payor and HAWK-I shall be the payor of last resort.”

- Deleted proposed subrule 86.20(3) and renumbered subrule 86.20(4) accordingly. CMS has clarified that dental coverage (other than coverage offered to state employees) does not disqualify a child from the supplemental dental program. In addition, in paragraphs “c” and “d” of new subrule 86.20(3), the phrase “is equal to or” has been omitted. The paragraphs now read as follows:

“c. If the family’s gross countable income exceeds 200 percent of the federal poverty level but does not exceed 250 percent of the federal poverty level for a family of the same size, the premium is \$10 per child per month with a \$15 monthly maximum per family.”

“d. If the family’s gross countable income exceeds 250 percent of the federal poverty level but does not exceed 300 percent of the federal poverty level for a family of the same size, the premium is \$15 per child per month with a \$20 monthly maximum per family.”

- Added a new subrule 86.20(4) to clarify that, before a waiting list for HAWK-I eligibility could be imposed, all children in the supplemental dental-only program would be disenrolled. New subrule 86.20(4) reads as follows:

“**86.20(4)** *Waiting lists*. Before the provisions of subrule 86.3(10) are implemented, all children enrolled in supplemental dental-only coverage shall be disenrolled from the program.”

The HAWK-I Board adopted these amendments on December 21, 2009.

These amendments do not contain a waiver provision because an extension of eligibility and coverage benefits the children affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

These amendments shall become effective on March 1, 2010.

These amendments are intended to implement Iowa Code sections 514I.4 through 514I.7 as amended by 2009 Iowa Acts, Senate File 389, sections 26 and 31 through 34.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [86.1, 86.2, 86.6 to 86.9, 86.13 to 86.15, 86.19, 86.20] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8112B**, IAB 9/9/09.

[Filed 12/22/09, effective 3/1/10]

[Published 1/13/10]

[For replacement pages for IAC, see IAC Supplement 1/13/10.]